

House File 2488 - Introduced

HOUSE FILE 2488
BY COMMITTEE ON HIGHER
EDUCATION

(SUCCESSOR TO HSB 537)

A BILL FOR

1 An Act prohibiting private institutions of higher education
2 that participate in the Iowa tuition grant program from
3 establishing diversity, equity, and inclusion offices.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.183, subsection 1, unnumbered
2 paragraph 1, Code 2026, is amended to read as follows:

3 "*Accredited private institution*" means an institution of
4 higher learning located in Iowa which is operated privately
5 and not controlled or administered by any state agency or
6 any subdivision of the state and which meets the criteria in
7 paragraphs "a" and "b" and all of the criteria in paragraphs "d"
8 through "~~k~~" "l", except that institutions defined in paragraph
9 "c" of ~~this subsection~~ are exempt from the requirements of
10 paragraphs "a" and "b":

11 Sec. 2. Section 256.183, subsection 1, Code 2026, is amended
12 by adding the following new paragraph:

13 NEW PARAGRAPH. 1. Adopt a policy for compliance with
14 chapter 261M.

15 Sec. 3. Section 256.183, subsection 3, Code 2026, is amended
16 to read as follows:

17 3. "*Eligible institution*" means an institution of higher
18 learning located in Iowa which is operated privately and
19 not controlled or administered by any state agency or any
20 subdivision of the state, which is not exempt from taxation
21 under section 501(c)(3) of the Internal Revenue Code, and which
22 meets all of the criteria in subsection 1, paragraphs "d"
23 through "~~k~~" "l", and is a school of barbering and cosmetology
24 arts and sciences licensed under chapter 157 and is accredited
25 by a national accrediting agency recognized by the United
26 States department of education. For the fiscal year beginning
27 July 1, 2017, such a school of barbering and cosmetology arts
28 and sciences shall provide a matching aggregate amount of
29 institutional financial aid equal to at least seventy-five
30 percent of the amount received by the institution's students
31 for Iowa tuition grant assistance under section 256.191. For
32 the fiscal year beginning July 1, 2018, the school of barbering
33 and cosmetology arts and sciences shall provide a matching
34 aggregate amount of institutional financial aid equal to at
35 least eighty-five percent of the amount received in that fiscal

1 year. Commencing with the fiscal year beginning July 1, 2019,
2 and each succeeding fiscal year, the matching aggregate amount
3 of institutional financial aid shall be at least equal to the
4 match provided by eligible institutions under section 261.9,
5 subsection 3, paragraph "a", Code 2023.

6 Sec. 4. NEW SECTION. 261M.1 Definitions.

7 As used in this chapter, unless the context otherwise
8 requires:

9 1. "Department" means the department of education.

10 2. "Diversity, equity, and inclusion" includes all of the
11 following:

12 a. Any effort to manipulate or otherwise influence the
13 composition of the faculty or student body with reference to
14 race, sex, color, or ethnicity, apart from ensuring colorblind
15 and sex-neutral admissions and hiring in accordance with state
16 and federal antidiscrimination laws.

17 b. Any effort to promote differential treatment of or
18 provide special benefits to individuals on the basis of race,
19 color, or ethnicity.

20 c. Any effort to promote or promulgate policies and
21 procedures designed or implemented with reference to race,
22 color, or ethnicity.

23 d. Any effort to promote or promulgate trainings,
24 programming, or activities designed or implemented with
25 reference to race, color, ethnicity, gender identity, or sexual
26 orientation.

27 3. "Diversity, equity, and inclusion office" means
28 any division, office, center, or other unit of a private
29 institution of higher education that is responsible for
30 creating, developing, designing, implementing, organizing,
31 planning, or promoting policies, programming, training,
32 practices, activities, or procedures related to diversity,
33 equity, and inclusion. "Diversity, equity, and inclusion office"
34 does not include any of the following:

35 a. An office ensuring legal compliance.

1 **b.** An academic department within a private institution
2 of higher education that exists primarily for the purpose of
3 offering courses for degree credit and that does not establish
4 a policy or procedures to which other departments of the
5 private institution of higher education are subject.

6 **c.** An office solely engaged in new student recruitment.

7 **d.** A registered student organization.

8 **4.** "*Private institution of higher education*" means an
9 accredited private institution as defined in section 256.183 or
10 an eligible institution as defined in section 256.183.

11 **Sec. 5. NEW SECTION. 261M.2 Diversity, equity, and**
12 **inclusion office prohibited.**

13 **1.** A private institution of higher education shall not,
14 except as otherwise provided by federal or state law or
15 accreditation standards, establish, sustain, support, or staff
16 a diversity, equity, and inclusion office.

17 **2.** Subsection 1 shall not be construed to cover or affect a
18 private institution of higher education's funding of any of the
19 following:

20 **a.** Academic course instruction.

21 **b.** Research or creative works by the private institution
22 of higher education's students, faculty, or other research
23 personnel, and the dissemination of such research or creative
24 works.

25 **c.** Activities of registered student organizations.

26 **d.** Arrangements for guest speakers and performers with
27 short-term engagements.

28 **e.** Mental or physical health services provided by licensed
29 professionals.

30 **3.** Subsection 1 shall not be construed as prohibiting bona
31 fide qualifications based on sex that are reasonably necessary
32 to the normal operation of private higher education.

33 **Sec. 6. NEW SECTION. 261M.3 Enforcement.**

34 **1.** A person may report a private institution of higher
35 education's potential violation of section 261M.2 to the

1 attorney general. The attorney general shall provide notice
2 of such report to the department and the institution within
3 fifteen days. No later than thirty days after receiving such
4 notice, the institution shall do one of the following:

5 *a.* Correct the violation and provide documentation of the
6 correction to the attorney general and the department.

7 *b.* Provide documentation to the attorney general and the
8 department demonstrating that the action of the institution
9 upon which the report was based was not a violation of section
10 261M.2.

11 2. If, upon the conclusion of the thirty-day period
12 provided in subsection 1, the institution has not complied
13 with subsection 1, paragraph "a", or provided documentation
14 under subsection 1, paragraph "b", that demonstrates to
15 the satisfaction of the attorney general that a violation
16 of section 261M.2 did not occur, the institution shall be
17 ineligible to participate in the tuition grant program under
18 chapter 256, subchapter VII, part 4, subpart B, as of the
19 next academic year beginning thereafter. If either action is
20 carried out by the institution by October 1 of an academic
21 year, eligibility shall be restored as of the next academic
22 year beginning after such action is carried out. The attorney
23 general shall notify the college student aid commission to this
24 effect.

25

EXPLANATION

26 The inclusion of this explanation does not constitute agreement with
27 the explanation's substance by the members of the general assembly.

28 This bill prohibits a private institution of higher
29 education, as defined in the bill, from establishing,
30 sustaining, supporting, or staffing a diversity, equity, and
31 inclusion office, as defined in the bill. The prohibition does
32 not apply if otherwise provided by federal or state law or
33 accreditation standards. The bill specifies activities that
34 the bill shall not be construed to prohibit.

35 The bill authorizes a person to report a private institution

1 of higher education's potential violation of the requirements
2 of the bill to the attorney general, who shall provide
3 notice of such report to the department of education and the
4 institution within 15 days. No later than 30 days after
5 receiving such notice, the institution is required to take
6 one of two actions. The institution shall either correct the
7 violation and provide documentation of the correction to the
8 attorney general and the department or provide documentation to
9 the attorney general and the department demonstrating that the
10 action of the institution upon which the report was based was
11 not a violation.

12 If within the 30-day period the institution has not
13 corrected the violation or provided documentation that
14 demonstrates to the satisfaction of the attorney general that a
15 violation did not occur, the institution shall be ineligible
16 to participate in the Iowa tuition grant program as of the
17 next academic year beginning thereafter. If either action is
18 carried out by the institution by October 1 of an academic
19 year, eligibility shall be restored as of the next academic
20 year beginning after such action is carried out.